

FROM			CONTROL NO.
SUBJECT AND DATE			DATE REC'D
			DUE DATE
REFERRED (1)	(2)	(3)	(4)
DATE			
REPLY SENT TO			DATE RELEASED
REMARKS			ACKNOWLEDGED - DATE
			<input type="checkbox"/>
			NO ANSWER NEEDED
			<input type="checkbox"/> (Explain in remarks)

EPA Form 5180-1 (6-72)
 REPLACES FWPCA FORM 72 AND
 HEW-73 WHICH MAY NOT BE USED.

(PERMANENT FILE COPY)

MAIL CONTROL SCHEDULE

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111

JAN 04 1973

Dr. Walter B. Quisenberry, Director
Hawaii Department of Health
P.O. Box 3378
Honolulu HI 96801

Dear Dr. Quisenberry:

This is in response to your letter of December 15, 1972 in which you request interim authorization to issue NPDES permits as provided for by Section 402 (a) 5 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

I regret that I am unable to recommend to the Administrator that your request be granted in view of your stated intention to administer the issuance of permits consistent with the definition of secondary treatment given in your letter.

As you may know, PL 92-500 provides that NPDES permits issued to publicly owned treatment works must specify effluent limitations based upon secondary treatment as defined by the Administrator pursuant to Section 304 (d) 1 of the Act. Since the Administrator has not yet published that definition it is not possible at this time to determine whether your stated intent to apply Hawaii's definition would be consistent with the guidelines and requirements of the Act.

While it is expected that the Administrator will publish his definition of secondary treatment in the near future, it seems highly improbable that it will be in accord in all respects with the definition you intend to apply. Accordingly, I would recommend that you resubmit your request for interim authorization to issue NPDES permits and include in it a statement of intent to impose effluent limitations based on secondary treatment as defined by the Administrator. This would eliminate any confusion as to your intentions and serve to expedite the granting of your request.

File #

CONCURRENCES

SYMBOL	<i>Q</i>	<i>A&W</i>	<i>DR9</i>				
SURNAME	O'CONNELL	<i>CBS</i>	<i>KWM</i>				
DATE	<i>1/3/73</i>	<i>1/3/73</i>	<i>1/4/73</i>				

EPA FORM 1320-1

OFFICIAL FILE COPY

We are most anxious for Hawaii to begin the issuance of permits as provided for under this new legislation and will be pleased to work with you to bring that about at the earliest practicable date. Should you wish to discuss this matter further, I would be pleased to do so at any time.

Sincerely,

Original signed by
George W. Milias

for

Paul De Falco, Jr.
Regional Administrator

cc: Administrator, EPA
Attn: AGC

bc: Office of Permit Programs

Reading File
Enf. Div.
Per. Br.
Suspense File

RLO'Connell/ah 1/3/73
File #:

JOHN A. BURNS
GOVERNOR OF HAWAII



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Dec 26 10 13 AM '72

WALTER B. QUISENBERRY, M.P.H., M.D.
DIRECTOR OF HEALTH

WILBUR S. LUMMIS JR., M.S., M.D.
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RALPH B. BERRY, M.P.H., M.D.
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DEPUTY DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

December 15, 1972

In reply, please refer to:
File: EH-SE

Mr. Paul DeFalco, Jr.
Regional Administrator
Environmental Protection Agency, Region IX
100 California Street
San Francisco, California 94111

Dear Mr. DeFalco:

Subject: Request for Interim Authorization

In accordance with our understanding of the new Federal Water Pollution Legislation, the State of Hawaii hereby requests interim authorization to issue permits for discharges into the navigable waters within the jurisdiction of this State under the National Pollutant Discharge Elimination System, as provided in Section 402(a) of the Federal Water Pollution Control Act Amendments of 1972 (hereafter called "the Act"). This letter of request sets forth certain information and assurances regarding our State permit program.

We have examined our statutes and regulations, and pending further legal analysis we believe we have the basic authority to issue permits containing effluent limitations, abatement schedules, and monitoring requirements called for by the Act. We can establish and include in permits effluent limitations requiring the application of "best practicable control technology currently available" for industrial sources and secondary treatment for municipal sources, or compliance with applicable water quality standards, whichever is more stringent, by July 1977. We in Hawaii define secondary treatment as follows:

"Secondary treatment means that treatment process or system which will reduce the BOD concentration of sewage by at least 85 per cent, except that where the effluent is discharged offshore at depths in the Pacific Ocean waters in which it can be demonstrated to the Administrator that a significant BOD concentration is environmentally acceptable or desirable, then the excess of BOD concentration over that which is environmentally acceptable or desirable shall be removed."

We intend to administer the issuance of permits consistent with the above definition. We understand that all previously issued and outstanding State permits must be examined and will have to be reissued to fulfill the requirements of the Act. We will undertake to carry out the interim permitting authority and to impose the foregoing requirements of the Act in permits which we are able to issue during the interim period.